

## **Chapter 27.35**

### **B-4 LINCOLN CENTER BUSINESS DISTRICT**

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This is a district for a redeveloping area applicable to the business and retail uses located in the area of the Lincoln Center Business District. It is designed so that Lincoln center remains as the dominant multi-use center and key focal point of business, social, and cultural activity in the Lincoln urban area. This district should include a large variety of activities, including retail and office functions, housing, commercial services, institutions, and transportation. It is intended that relationships between permitted functions will be carefully developed, and the need for access, circulation, and amenities will be given special attention.

#### **27.35.010 Scope of Regulations.**

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the B-4 Lincoln Center Business District. (Ord. 12571 §213; May 8, 1979).

#### **27.35.020 Permitted Uses.**

Subject to the restrictions and requirements of Section 27.35.030 below, a building or premises may be used for any lawful purpose in the B-4 Lincoln Center Business District, except the following:

- (a) The refining, distillation, or manufacture of:
  - (1) Acids or alcohols, except that craft breweries as defined in the Nebraska Liquor Control Act are permitted;
  - (2) Ammonia, bleach, or chlorine;
  - (3) Asphalt, tar, or products made therewith, including roofing or waterproofing;
  - (4) Cement, lime, gypsum, or plaster of paris;
  - (5) Disinfectants;
  - (6) Dyestuffs;
  - (7) Fertilizer;
  - (8) Glue, sizing, or gelatin;
  - (9) Oilcloth, linoleum, or oiled rubber goods;
  - (10) Paint, shellac, turpentine, or oils;

- (11) Paper or pulp;
- (12) Rubber, gutta-percha, balata, creosote, or products treated therewith;
- (13) Shoe polish;
- (b) The operation of:
  - (1) Bag cleaning works;
  - (2) Blast furnaces, coke ovens, smelting or ore reduction works;
  - (3) Boiler works;
  - (4) Forge;
  - (5) Rock crusher, stone mill, or quarry;
  - (6) Rolling mill;
  - (7) Yeast plant;
- (c) Production, manufacture, distribution, or commercial storage of toxic, radioactive, flammable, or explosive materials, including chemicals and gases, fireworks and explosives, arsenals and magazines;
- (d) Tanning, curing, or storage of raw hides or skins; stockyards or slaughter of animals or fowl; rendering fat; distillation of bones, coal, or wood;
- (e) Dumping or reduction of garbage, offal, or dead animals; scrap processing operation or salvage yard;
- (f) Grain elevators and grain mills;
- (g) Refining of natural gas or petroleum or their products; or bulk storage thereof not located underground and in full compliance with all applicable city regulations;
- (h) Brick, tile, pottery, or terra cotta manufacture, other than the manufacture of handicrafts;
- (i) The manufacture of acetylene, the transfer of the gas from one container to another, or the storage of the gas in containers having a capacity greater than the equivalent of 1,000 cubic feet at standard temperature and pressure;
- (j) And in general those uses, not limited to the above, which may be obnoxious or offensive or hazardous to health by reason of odor, dust, smoke, gas, glare, radiation, or noise;
- (k) In the area of the B-4 Lincoln Center Business District bounded by 10th Street, "P" Street, 14th Street, and "N" Street, except as provided by Section 27.35.030 below:
  - (1) Parking lots, parking garages, and other off-street parking facilities;
  - (2) Uses in which the customer is served directly in the car, including but not limited to drive-in restaurants, drive-in teller windows, gas stations, or car washes. (Ord. 17120 §1; December 16, 1996; prior Ord. 14185 §7; September 3, 1985: Ord. 12571 §214; May 8, 1979).

#### **27.35.025 Permitted Conditional Uses.**

A building or premises may be used for the following purposes in the B-4 Lincoln Center Business District in conformance with the conditions prescribed herein:

- (a) Recycling center:
  - (1) The building area of such center shall not exceed 8,000 square feet;
  - (2) Adequate traffic stacking shall be provided onsite as determined by the city;
  - (3) All required parking shall be provided on site;
  - (4) The facility shall not be designed to receive nor shall it accept shipments by semi-trailer trucks;
  - (5) The construction and operation of such center shall comply with all applicable health and fire codes.

- (b) Vehicle body repair shop:
  - (1) All salvage material including vehicles being salvaged shall be kept inside a building;
  - (2) All vehicles stored outside a building shall be repaired to an operating state within thirty days;
  - (3) All vehicles stored outside a building waiting repair shall be screened in accordance with the screening requirements for salvage and scrap processing operations;
  - (4) The construction and operation of such shop shall comply with all applicable health and fire codes;
  - (5) Vehicle body repair shops lawfully existing on the effective date of this ordinance shall have until January 1, 1987 to be brought into compliance with conditions (1), (2), (3), and (4) above.
- (c) Early childhood care facilities:
  - (1) Such facilities shall comply with all applicable state and local early childhood care requirements;
  - (2) Such facilities shall comply with all applicable building and life safety code requirements.
  - (3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;
  - (4) Such facilities must receive a conditional use permit from the Department of Building and Safety. (Ord. 16854 §32; August 14, 1995: prior Ord. 14185 §8; September 3, 1985).

#### **27.35.030 Permitted Special Uses.**

(a) A building or premises may be used for the following purposes in the B-4 Lincoln Center Business District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

- (1) Expansion of nonconforming use;
- (2) Historic preservation;
- (3) Any permitted use which exceeds the maximum height permitted in the district;
- (4) Temporary shelter for the homeless.

(b) A building or premises may be used for the following purposes in that portion of the B-4 Lincoln Center Business District bounded by 10th Street, "P" Street, 14th Street, and "N" Street if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

- (1) Parking lots, parking garages, and other off-street parking facilities;
- (2) Gas stations and car washes located within a parking garage when such uses are accessory to the parking garage;
- (3) Drive-in teller windows;
- (4) Wind energy conversion systems.

(c) Dwellings above the first story of a building which cannot meet the yard requirements of Section 27.35.070(e). (Ord. 16070 §2; March 9, 1992: prior Ord. 15782 §5; November 26, 1990: Ord. 14780 §13; November 2, 1987: Ord. 13588 §13; May 9, 1983: Ord. 12978 §17; August 25, 1980: Ord. 12698 §1; September 24, 1979: Ord. 12571 §215; May 8, 1979).

**27.35.040 Accessory Uses.**

Accessory uses permitted in the B-4 Lincoln Center Business District are accessory buildings and uses customarily incident to the permitted uses. (Ord. 12571 §216; May 8, 1979).

**27.35.050 Parking Regulations.**

All parking within the B-4 Lincoln Center Business District shall be regulated in conformance with the provisions of Chapter 27.67. (Ord. 12571 §217; May 8, 1979).

**27.35.060 Sign Regulations.**

Signs within the B-4 Lincoln Center Business District shall be regulated in conformance with the provisions of Chapter 27.69. (Ord. 12571 §218; May 8, 1979).

**27.35.065 Grading and Land Disturbance Regulations.**

Grading and land disturbance within the B-4 Lincoln Center Business District shall be regulated in conformance with the provisions of Chapter 27.81. (Ord. 17618 §19; February 22, 2000.)

**27.35.070 Height and Area Regulations.**

The maximum height and minimum lot requirements within the B-4 Lincoln Center Business District shall be as follows:

(a) For the area of the B-4 Lincoln Center Business District located from 150 feet east of 17th Street to the eastern boundary of the B-4 Lincoln Center Business District, the following maximum height and minimum lot requirements shall apply:

*(See Table 27.35.070(a) on following page)*

	Lot Area (Sq.ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, single-family	4,000	50'	20'	5'	Smaller	75'
Dwelling, two-family	2,000 per family	50'	20'	5'	of	75'
Townhouses	2,000 per family	20'	20'	0' or 5' on nonparty wall side.	30'	75'
<b>Dwelling, Multiple:</b>					or	75'
Lots containing 14,000 or less	700 per unit	50'	20'	Total* 15', min. 5'	20%	75'
Lots containing more than 14,000 but less than 21,000 sq. ft.	600 per unit	100'	20'	Total* 25', min. 8'	of	75'
Lots containing 21,000 sq. ft. or more	550 per unit	150'	20'	Total* 30', min. 10'	depth*	75'
Other Permitted Uses	0	50'	20'	5'		75'

\* In the area located between 142 feet south of the south right-of-way line of "N" Street and 142 feet north of the north right-of-way line of "P" Street, no yards shall be required.

\*\* Over thirty-five feet in height, add one foot to the required side and rear yards for each additional two feet of height.

(b) For the area of the B-4 Lincoln Center Business District not included in section (a) above, the following maximum height and minimum lot requirements shall apply:

<b>Table 27.35.070(b)</b>					
	<b>Lot Area (Sq.ft.)</b>	<b>Req'd Front Yard</b>	<b>Req'd Side Yard</b>	<b>Req'd Rear Yard</b>	<b>Height</b>
Dwellings	0	0'	0' (Except as req'd in §27.35.070(e))	0' (Except as req'd in §27.35.070(e))	275'
Other Permitted Uses	0	0'	0'	0'	275'
* When any yard is abutting a residential district, the yard requirement shall be that of the abutting residential district.					
** West of 9th Street, the maximum height shall be seventy-five feet.					

(c) Where any front yard is required in this district, there shall be a required front yard along each street side of a double frontage lot.

(d) Where any front yard is required in this district, there shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.

(e) Where a yard is not otherwise required, a yard shall be required adjacent to any wall of a building which contains windows for dwelling units. The yard requirement shall be five feet for structures under thirty-five feet in height, ten feet for structures thirty-five to fifty feet in height, and sixteen feet for those structures over fifty feet in height. Depending upon the location of said windows, this yard may be a side yard, a rear yard, or located in or on an interior courtyard. If the required yard abuts an alley, the width of the alley may be counted as part or all of the required yard. This yard need not start at the ground level but may begin on the top surface of a building.

(f) Accessory buildings which are attached to or located not more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the height and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in any required rear yard, but such accessory buildings may not occupy more than thirty percent of the required rear yard, and shall not be nearer than two feet to any side or rear lot line, nor more than fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line. (Ord. 18560 §1; June 20, 2005: prior Ord. 16615 §1; June 6, 1994: Ord. 16224 §1; September 14, 1992: Ord. 16066 §1; March 2, 1992: Ord. 13163 §1; June 29, 1981: Ord. 12751 §15; November 5, 1979: Ord. 12571 §219; May 8, 1979).